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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/321,360	05/27/1999	MICHAEL F. GUHEEN	AND1P101	6371

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/321,360

Applicant(s)

GUHEEN ET AL.

Examiner

Akiba K Robinson-Boyce

Art Unit

3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-19.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 5. does NOT place the application in condition for allowance because: as per claims 1, 4, 5, 6, 7, 10, 11, 12, 13, 16, 17 and 18, the applicant argues that Rassman merely teaches continuous updating of information for existing components and does not teach "compiling a list of additional components for implementation into the existing system". However, in Col. 7, lines 55-57, Rassman discloses that the remaining operating rooms could be scheduled in a similar fashion as the first set of operating rooms in "Case abc". These remaining components represent the additional component since they are components that can be implemented into the system at a different time as a first set of components. In addition, the applicant argues that Rassman merely shows existing resources 123, 223, and 224 in a pictorial representation instead of teaching "modifying the pictorial representation of the existing system to show a pictorial representation of the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase". However, Rassman discloses the display of resource utilization for the most recent data after data in resource database is updated in Col. 3, lines 10-11. Also, in Col. 6, lines 20-22, lines 27-36, Rassman shows secondary resources are displayed, and in Col. 14, lines 12-16 and Fig. 7, where the components [represented by resources] for the second phase are indicia coded by the vertical rectangles labeled "Y" Two for phase two. These secondary resources do not just represent existing resources, but do represent the second set of components since as disclosed in the preceding paragraph, Rassman does disclose "additional components" in Col. 7, lines 55-57. As per claims 7 and 13, these claims are rejected for similar reasons as discussed above in reference to claims 1, 4, 5, 6, 7, 10, 11, 12, 13, 16, 17 and 18. As per claims 4, 5, 6, 10, 11, 12, 16, 17, 18 and 19, these claims depend from claims 1, 7 and 13 and are still rejected for the same reasons as discussed with respect to claims 1, 7 and 13.. As per claims 3, 9 and 15, these claims depend from claims 1, 7 and 13 and are still rejected for the same reasons as discussed with respect to claims 1, 7 and 13..